

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 52

Short Title: Warrantless Arrest Changes.

(Public)

Sponsors: Senators Marvin; and Odom.

Referred to: Judiciary II.

February 12, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF LAW ENFORCEMENT OFFICERS TO ARREST WITHOUT A WARRANT FOR CERTAIN MISDEMEANORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-401(b) reads as rewritten:

"(b) Arrest by Officer Without a Warrant. –

(1) Offense in Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.

(2) Offense Out of Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe:

a. Has committed a felony; or

b. Has committed a misdemeanor, and:

1. Will not be apprehended unless immediately arrested, or

2. May cause physical injury to himself or others, or damage to property unless immediately arrested; or

c. Has committed a misdemeanor under G.S. ~~14-72.1~~-14-72.1 or G.S. 14-134.3; or

d. Has committed a misdemeanor under G.S. 14-33(b)(1) or (2) when the offense was committed by a person who is the spouse or former spouse of the alleged victim or by a person with whom the alleged victim is living or has lived as if married.

~~(3) Subdivision (1) and (2) shall apply to arrest for assault, for communicating a threat, or for domestic criminal trespass, already~~

1                   ~~committed or being committed by a person who is the spouse or~~  
2                   ~~former spouse of the alleged victim or by a person with whom the~~  
3                   ~~alleged victim is living or has lived as if married."~~

4                   Sec. 2. This act becomes effective October 1, 1991.